

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

ELAINE CHAO, SECRETARY OF LABOR, *
United States Department of Labor, *
 *
Plaintiff, *
 * CIVIL ACTION
v. *
 * FILE NO.
LAURIAT'S, INCORPORATED RETIREMENT *
PLAN & TRUST, *
 *
Defendant. *

MOTION FOR APPOINTMENT OF SUCCESSOR FIDUCIARY

Now comes the Plaintiff, Elaine Chao, Secretary of Labor of the United States Department of Labor, and moves the Court to appoint Attorney Marcia S. Wagner of the Wagner Law Group, Boston, Massachusetts, to act as successor fiduciary to the Lauriat's, Incorporated Retirement Plan and Trust.

In support of her Motion, the Secretary states that Attorney Wagner, by her experience in serving as a successor fiduciary in other matters for the United States Department of Labor, and by her education and practical experience in the areas of ERISA and employee benefits, eminently qualify her to serve in the capacity as successor fiduciary for the Plan and she has agreed to so serve, should the instant Motion be granted.

The scope of Attorney Wagner's authority from this Court to act as successor fiduciary is more fully delineated in the Proposed Order submitted herewith.

This Motion, in keeping with the Secretary's representations to the Court, will be served by publication in the form attached, which has previously been approved by this Court.

Accordingly, the Secretary urges that this Motion be granted.

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Attorney

U.S. Department of Labor
Attorneys for Complainant

DATE: November 18, 2005